

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Box Missing Parts, Assistant Commissioner for Patents, Washington, D. C. 20231.
Date: May 24, 2002

Brian M. Berliner



PATENT
216019-50 (formerly 98,634-F)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Carson et. al

Serial No.: 09/831,690

International Application No.:
PCT/US99/26824

International Filing Date: November 12,
1999

Priority Date: November 12, 1998

Title: Gene Expression Modulated by
Activation of Microglia or Macrophages

Art Unit:

Examiner:

MISSING REQUIREMENTS TRANSMITTAL LETTER

BOX MISSING PARTS
Assistant Commissioner for Patents
Washington, D.C. 20231

In response to the Notice Of Missing Requirements Under 35 U.S.C. § 371 In the United States Designated/Elected Office, mailed November 26, 2001, enclosed please find the following:

1. Copy of the Notice of Missing Requirements;
2. Check in the amount of \$80.00 to cover the additional fees required for the application for the 24 independent claims over 3;

3. Power of Attorney/Declaration signed by the inventors; and
4. Electronic and written copy of the sequence listing in PatentIn 3.1 format.

Also enclosed herewith is a Petition for Extension of Time and a check in the amount of \$720.00 to cover the four-month extension fee for a small entity in accordance with 37 C.F.R. § 1.17(a)(1).

We have submitted the entire sequence listing in written and electronic format for replacement because the written and electronic sequence listing submitted herein are in the PatentIn 3.1 format, and may differ from the PatentIn 2.0 version originally submitted to the U.S. Receiving Office in the international stage of this application due to differences in the two software versions, which are primarily formatting in nature. The differences we noted were as follows:

(1) The line spacing for the sequences is double spaced for PatentIn 3.1, whereas for PatentIn 2.0 it was single spaced. Thus the overall document has more pages with the newer version of PatentIn.

(2) N's are defined for any DST sequences that have "n's" in its sequence in the PatentIn 3.1 version (PatentIn 3.1 requirement).

(3) The field <141> filing date is empty. The PCT application has the PCT filing date in this field (1999-11-12). We left it empty since PatentIn 3.1 requires entry of the PCT application number if a date is entered, and the PCT application number wasn't present in the original Sequence Listing for the PCT.

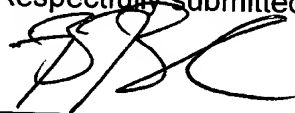
Serial No. 09/831,690
May 24, 2002
Page 2

Additionally, the anchor primer (SEQ ID NO: 26) was corrected in the PatentIn 3.1 project, so that it contains 48 bases rather than 49. An amendment was submitted during the PCT phase (but after the publication) correcting this sequence.

The sequence listing recorded and submitted herewith in computer readable form is identical to the written sequence listing submitted herewith, is substantially identical to the written copy of the sequence listing submitted in the international stage of this application (except for the version differences and amendment noted above), and contains no new matter.

The Commissioner of Patents is authorized to charge any amount due, or credit any overpayment, to Deposit Account No. 50-0639.

Respectfully submitted,



Brian M. Berliner
Attorney for Applicants
Registration No. 34,549

Date: May 24, 2002

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Enclosures: Sequence listing in electronic and written format



UNITED STATES PATENT AND TRADEMARK OFFICE

Continuation of PCT Application
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

10 Rec'd

05 JUN 2002

Page 1 of 2

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|-----------------------------|-----------------------|-----------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/831,690 | Monica J Carson | 216019-50 98,634-F |

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|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
|-------------------------------|

PCT/US99/26824

| | |
|-----------------|---------------|
| LA. FILING DATE | PRIORITY DATE |
|-----------------|---------------|

11/12/1999

11/12/1998

Roger P Zimmerman
McDonnell Boehnen Hulbert & Berghoff
300 South Wacker Drive
Suite 3200
Chicago, IL 60606

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|---|
| O'MELVENY & MYERS |
| ACTION <u>FILE MISSING REQUIREMENTS</u> |
| DUE DATE <u>1/26/02</u> |
| IP DEPT: <u>CR</u> |

CONFIRMATION NO. 9615

371 FORMALITIES LETTER



OC000000007116110

Date Mailed: 11/26/2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Request for Immediate Examination
- Small Entity Statement

DOCKETED

DEC 03 2001
DUE DATE: 1/26/02
BY: KB CB

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
 - APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e).

1.821(f), 1.821(g), 1.825(b) or 1.825(d).

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

- Additional claim fees of \$80 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due:

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$80 for a Small Entity:

- Total additional claim fee(s) for this application is \$80
 - \$80 for 24 independent claims over 3.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 305-3752

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 09/831,690 | PCT/US99/26824 | 98,634-F |